

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIGI ABREU, Individually, and On Behalf of
All Others Similarly Situated,

Plaintiff,

v.

BLACK RIVER ROASTERS, LLC,
Defendant.

Case No. 22-cv-01206 (JGK)

RULE 26(f) REPORT

Scheduling Order

Pursuant to your Honor's individual rules and Rule 26(f) of the Federal Rules of Civil Procedure, the parties conferred pursuant to Rule 26(f) and discussed, among other topics, the topics set forth below.

Rule 26(f)(3) Topics:

1. The timing of discovery:

The Parties have conferred and propose the following discovery schedule:

The parties shall exchange disclosures required by FED. R. CIV. P. 26.: July 17, 2022

Deadline to amend pleadings. August 5, 2022

The parties shall exchange Interrogatories and Requests for Documents; August 5, 2022

All discovery, including Expert Discovery must be completed by October 30, 2022. Conclusion of fact discovery: October 30, 2022. Expert disclosures, if any, must be made by December 4, 2022.

Completion of expert discovery: March 14, 2023

Plaintiff will seek class certification under FRCP 23 and Defendant will oppose class

certification. Plaintiff proposes that his Class certification motion be filed by March 31, 2022,

October 24, 2022

That Defendant shall have until April 1, 2023, to file any opposition; and Plaintiff shall have

November 4, 2022.

until January 29, 2023 to file any reply.

October 7, 2022

2. The topics of discovery: Discovery will be sought regarding the accessibility of Defendant's website to visually impaired individuals, and any modifications made to the website to make it accessible to the visually impaired. Discovery will also be sought regarding Plaintiff's disability, his alleged attempts to access Defendant's website and purchase products offered on the website, his alleged damages, the Court's jurisdiction over this case and Defendant, and any issues pertaining to class certification. Additionally, Defendant reserves the right to take discovery relating to any of its defenses, including, but not limited to, the issue of the plaintiff's serial filing of ADA website lawsuits.

3. The Parties discussed disclosure and/or discovery of electronically stored information and will continue to meet and confer regarding the form in which such discovery should be produced.

4. The Parties do not anticipate any disputes about claims of privilege or protection at this time. The Parties plan to enter into separate stipulations concerning confidentiality and the claw-back of privileged communications which they shall attempt to negotiate and submit to the Court for its approval.

5. The Parties do not anticipate any changes in the limitations on discovery imposed under the Federal Rules of Civil Procedure.

6. At this time, there are no other orders that the Court should issue under Rule 26(c) or Rule 16(b) and (c).

7. The Parties agree that service of documents by email is effective service and is complete upon emailing.

Dated: June 3, 2022

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Dispositive motions must be filed
by January 6, 2023.

Joint Pre-Trial Order must be filed
by January 27, 2023, or 21 days
after decision of any dispositive
motion.

Road trial, 48 hours notice, 14 days
after filing the Joint Pre-Trial Order.

so ordered.
6/6/22 Jr6/1/sd/s
u S.D.J.